

Meghan Handy, Individually and as Surviving
Child and Personal Representative of the Estate of
Brenda Lee Rozek, Deceased
8 Rollins Road
North East, Maryland 21901

and

Neil E. Rozek
761 Ragan Road
Conowingo, Maryland 21918

and

Kristen Lowery
761 Ragan Road
Conowingo, Maryland 21918

and

Frank D. Ragan, Sr.
440 Johnson Road
Conowingo, Maryland 21918

and

JoAnne Ragan
440 Johnson Road
Conowingo, Maryland 21918

Plaintiffs,

v.

BOX HILL SURGERY CENTER, LLC
100 Walter Ward Boulevard
Suite B2
Abingdon, Maryland 21009

Serve on:
L. Stephen Hess, Esq.
26th Floor
2100 East Pratt Street
Baltimore, MD 21202

and

**IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY**

Case No.: 03-C-14-009238

**Complaint and Demand
for Jury Trial**

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BALTIMORE COUNTY

EXHIBIT

tabbles

RITU T. BHAMBHANI, M.D.

496 Rutland Drive

Fallston, Maryland 21047

Serve on:

Ritu T. Bhambhani, M.D.

496 Rutland Drive

Fallston, Maryland 21047

and

RITU T. BHAMBHANI, M.D., LLC

496 Rutland Drive

Fallston, Maryland 21047

Serve on:

Resident Agent:

Ritu T. Bhambhani, M.D.

496 Rutland Drive

Fallston, Maryland 21047

and

Barry J. Cadden

13 Manchester Drive

Wrentham, Massachusetts 02093

Serve on:

Barry J. Cadden

13 Manchester Drive

Wrentham, Massachusetts 02093

and

Gregory Conigliaro

1 Mountain View Drive

Framingham, Massachusetts 01701

Serve on:

Gregory Conigliaro

1 Mountain View Drive

Framingham, Massachusetts 01701

and

Lisa Conigliaro Cadden
13 Manchester Drive
Wrentham, Massachusetts 02093

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Resident Agent:
Lisa C. Cadden
13 Manchester Drive
Wrentham, Massachusetts 02093

and

Douglas Conigliaro;
15 Hale Drive
Dedham, Massachusetts 02026

and

Serve on:
Douglas Conigliaro;
15 Hale Drive
Dedham, Massachusetts 02026

and

Carla Conigliaro
15 Hale Drive
Dedham, Massachusetts 02026

Serve on:
Carla Conigliaro
15 Hale Drive
Dedham, Massachusetts 02026

and

Glenn A. Chin
173 Mechanic Street
Canton, Massachusetts 02021

Serve on:
Glenn A. Chin
173 Mechanic Street
Canton, Massachusetts 02021

and

Ameridose, LLC
203 Flanders Road
Westborough, Massachusetts, 01581

Serve on:
Resident Agent:
Ameridose, LLC
203 Flanders Road
Westborough, Massachusetts, 01581

and

GDC Properties Management, LLC
701 Waverly Street
Framingham, Massachusetts 01702

Serve on:
Resident Agent:
GDC Properties Management, LLC
701 Waverly Street
Framingham, Massachusetts 01702

and

Medical Sales Management, Inc.
697 Waverly Street
Framingham, Massachusetts 01702

Serve on:
Resident Agent:
Medical Sales Management, Inc.
697 Waverly Street
Framingham, Massachusetts 01702

and

Medical Sales Management SW, Inc.
697 Waverly Street
Framingham, Massachusetts 01702

Serve on:
Resident Agent:
Medical Sales Management SW, Inc.
697 Waverly Street
Framingham, Massachusetts 01702

and

**ARL Bio Pharma, Inc. D/B/A Analytical
Research Laboratories**
840 Research Parkway
Suite 546
Oklahoma City, Oklahoma 73104

Serve on:
Resident Agent
ARL Bio Pharma, Inc.
840 Research Parkway
Suite 546
Oklahoma City, Oklahoma 73104

and

Liberty Industries, Inc.
133 Commerce Street
East Berlin, Connecticut 06023

Serve on:
Resident Agent
Liberty Industries, Inc.
133 Commerce Street
East Berlin, Connecticut 06023

and

**UniFirst Corporation (d/b/a "Uniclean
Cleanroom Services")**
68 Jonspin Road
Wilmington, MA 01887

Serve on:
Resident Agent
UniFirst Corporation
8820 Yellow Brick Rd.
Baltimore, MD 21237

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

COME NOW the Plaintiffs, Meghan Handy, individually, as surviving child and as
Personal Representative of the Estate of Brenda L. Rozek, deceased ("Decedent"), together with

and/or providing services, Decedent is entitled to recover all allowable elements of damage from UniFirst for her injuries and losses.

266. UniFirst's conduct set out above constitutes gross negligence and a reckless disregard for human life and safety, thus warranting the imposition of punitive damages.

WHEREFORE, Plaintiff Meghan Handy as Personal Representative of the Estate of Brenda Lee Rozek, prays for relief as follows:

- (a) Compensatory damages in an amount in excess of \$75,000.00;
- (b) Punitive damages under the laws of Massachusetts and/or other applicable law;
- (c) All costs and attorneys' fees recoverable by law; and
- (d) Such other and further relief as the Court deems appropriate.

C. SUBSTANTIVE COUNTS AGAINST NECC RELATED PARTIES, HEALTH CARE PROVIDERS and ARL

COUNT XI: SURVIVAL ACTION AGAINST NECC RELATED DEFENDANTS AND HEALTH CARE PROVIDERS – CIVIL CONSPIRACY AND CONCERTED ACTIVITY

267. Plaintiff Meghan Handy as Personal Representative of the Estate of Brenda Lee Rozek, hereby sues the NECC Related Defendants and the Health Care Providers and for this cause of action states:

268. Plaintiffs incorporates by reference all other paragraphs in this Complaint as if fully set forth herein at length, and further alleges:

269. MPA is a controlled substances under the laws of Massachusetts, requiring a valid prescription under Massachusetts' pharmacy statutes and regulations.

270. Massachusetts' law governs dispensing of controlled substances by Massachusetts' pharmacies, even when shipped out of the state.

271. In connection with obtaining bulk or office supplies of preservative free MPA for administration to Box Hill Surgery Center's patients, including Plaintiffs' Decedent, the Health Care Providers conspired with NECC and the NECC related Defendants by agreeing to participate in a scheme to circumvent and violate Massachusetts' pharmacy statutes and regulations that were intended to protect patient safety, including Massachusetts' pharmacy laws and regulations prohibition on dispensing controlled substances pursuant to so called "office supply" prescriptions. The NECC Related Defendants and the Health Care Providers accomplished this unlawful purpose via the unlawful means of the Health Care Providers submitting to NECC bogus or past lists of purported individual patients on NECC's prescription orders forms by fax or mail in order to order and obtain by express mail compounded preservative free MPA for administration to patients at Box Hill Surgery Center's Maryland facility. The NECC Related parties in turn suggested and permitted this practice which was in direct violation of Massachusetts' pharmacy and controlled substances law, and, further, caused or facilitated the dispensing of NECC's compounded preservative free MPA to Box Hill Surgery Center as well as other health care faculties throughout the United States.

272. The NECC Related Defendants and the Health Care Provider's acts in furtherance of the conspiracy resulted in NECC being able to falsely appear in compliance with Massachusetts' pharmacy statutes and regulations when in fact it was not in compliance.

273. The Health Care Providers knew, or reasonably should have known, that patient specific names were required by NECC in order to dispense drugs it compounded by virtue of the fact that NECC's standard prescription order form for MPA and other drugs requested patient specific information. Instead of filling out these standard forms properly, the Health Care

Providers ordered NECC pharmaceuticals in bulk submitting a list of previous or bogus patient names.

274. Plaintiffs' Decedent was not properly and validly listed on any NECC prescription order form submitted by Box Hill Surgery Center to NECC.

275. The concerted action of NECC and Health Care Providers resulted in injury and the eventual death of Plaintiff's Decedent as described herein.

276. The NECC Related Defendants and the Health Care Providers are liable for the acts of their co-conspirators NECC, as well as each other.

WHEREFORE, Plaintiff Meghan Handy as Personal Representative of the Estate of Brenda Lee Rozek, prays for relief as follows:

(a) Compensatory damages in an amount in excess of \$30,000.00 for malpractice claims against the Defendants and in excess of \$75,000 on all other claims;

(b) Punitive damages under the laws of Maryland, Massachusetts and/or other applicable law;

(c) All costs and attorneys' fees recoverable by law; and

(d) Such other and further relief as the Court deems appropriate.

**COUNT XII: SURVIVAL ACTION AGAINST NECC RELATED DEFENDANTS
ARL, AND HEALTH CARE PROVIDERS – VIOLATION OF
MASSACHUSETTS AND MARYLAND STATE CONSUMER
PROTECTION STATUTES**

277. Plaintiff Meghan Handy as Personal Representative of the Estate of Brenda Lee Rozek, hereby sues the NECC Related Defendants, ARL and the Health Care Providers and for this cause of action states:

278. Plaintiffs incorporates by reference all other paragraphs in this Complaint as if fully set forth herein at length, and further alleges:

(a) Compensatory damages in an amount in excess of \$30,000.00 for malpractice claims against the Defendants and in excess of \$75,000 on all other claims, or as provided by applicable statute;

(b) Enhanced or statutory damages as provided under the laws of Maryland, Massachusetts and/or other applicable law.

(c) All costs and attorneys' fees recoverable by law; and

(d) Such other and further relief as the Court deems appropriate

D. WRONGFUL DEATH AND CONSORTIUM LOSS SUBSTANTIVE COUNT AGAINST ALL DEFENDANTS

COUNT XIII: WRONGFUL DEATH AND CONSORTIUM LOSS CLAIMS

305. Plaintiffs, Neil E. Rozek, Meghan Handy, Kristen Lowery, Frank D. Ragan, Sr. and JoAnne Ragan, bring these claims against all Defendants and repeat herein all the above as if the same were repeated verbatim.

306. Spouse Plaintiff, Neil E. Rozek, and Decedent, Brenda L. Rozek, were at all material times married to each other and were husband and wife at the time of the occurrence referred to in this matter. They had two daughters, Meghan Handy and Kristen Lowery, both whom are of adult age.

307. Decedent at the time of her death was also survived by her parents, Plaintiffs Frank D. Ragan, Sr. and JoAnne Ragan.

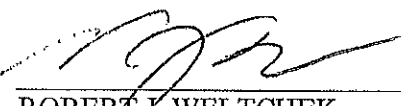
308. The Defendants negligence and other tortious conduct alleged above caused Spouse Plaintiff, Neil E. Rozek, to lose his wife, Brenda Rozek, resulting in his suffering pecuniary loss, mental anguish, emotional pain, loss of society, loss of companionship, loss of comfort, loss of protection, loss of marital care, loss of filial care, loss of attention, loss of guidance, and loss of advice and counsel.

309. Plaintiff, Neil E. Rozek, claims all allowable damages for Wrongful Death under Maryland law. He also claims loss of income and support from his late wife as a result of her

310. As a further proximate result of the Defendants' negligence and other tortious conduct alleged above, Plaintiffs, Neil E. Rozek, Meghan Handy, Kristen Lowery, Frank D. Ragan, Sr. and JoAnne Ragan, each has suffered mental anguish, emotional pain and suffering, loss of society, loss of companionship, loss of comfort, loss of attention, loss of advice, loss of counsel, and loss of guidance and claims all allowable damages under Maryland's wrongful death law for the loss of Brenda L. Rozek, deceased.

WHEREFORE, Plaintiffs pray for relief as follows:

- (a) Compensatory damages in an amount in excess of \$30,000.00 for malpractice claims against the Defendants and in excess of \$75,000 on all other claims;
- (b) Punitive damages under the laws of Maryland, Massachusetts and/or other applicable law;
- (c) All costs and attorneys' fees recoverable by law; and
- (d) Such other and further relief as the Court deems appropriate.



ROBERT J. WELTCHEK
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NOLAN J. WELTCHEK
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DEMAND FOR JURY TRIAL

Plaintiffs elect to have their case tried before a jury.



ROBERT J. WELTCHEK